



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No.5615 of 2015 and

M.P. (MD)Nos.1 and 2 of 2015

Dr.J.Joel

... Petitioner/Accused

Vs.

Mahendran Thomas

... Respondent/Complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to quash the proceedings in C.C.No.198 of 2014 on the file of the Judicial Magistrate No.I, Tirunelveli, Tirunelveli District.

For Petitioner : M/s.S.Xavier Rajini

For Respondent : Mr.S.C.Herold Singh

O R D E R

The petitioner is the sole accused in C.C.No.198 of 2014 on the file of the Judicial Magistrate No.I, Tirunelveli.

2. It is a private complaint instituted by the respondent herein. The respondent herein claims that the petitioner herein had committed the offence under Section 211 of I.P.C. The Court below has taken cognizance of the said offence against the petitioner and also summoned the petitioner. To quash the impugned proceedings, this criminal original petition has been filed.

3. Heard the learned counsel on either side.

4. As rightly contended by the learned counsel appearing for the petitioner, the Court below can take cognizance of the offence under Section 211 of I.P.C. only if the complaint has been made by the Court concerned or by such officer of the Court as that Court may authorise in writing in this behalf. In this case, no Court has filed the impugned complaint. It is only the respondent who filed the complaint. Section 195(1)(b)(i) contains a threshold bar. Therefore, cognizance itself could not have been taken against the accused.

5. In view of the clear infraction of Section 195(1)(b)(i) of Cr.P.C., the impugned complaint stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

1. The Judicial Magistrate No.I,
Tirunelveli, Tirunelveli District.

2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-98211[F]

+1 CC to M/s.S. XAVIER RAJINI, Advocate (SR-97933[F]

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SMA/13/02/2020/2P/5C